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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,545	04/06/2001	Eric J. Sprunk	18926003150	8118

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EXAMINER

DEMICCO, MATTHEW R

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/827,545

Applicant(s)

SPRUNK ET AL.

Examiner

Matthew R. Demicco

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date See Office Action.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statements (IDS) submitted on 12/20/04, 5/10/04, 8/6/02, 2/20/02 and 7/16/01 have been considered by the examiner.

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 3, 312; Figure 4, 416; Figure 8, 812; Figure 10, 1012, 1028 and 1032; Figure 12, 1220; Figure 13, 1324; Figure 16C, 1662 and 1674; Figure 17, 1714, 1720 and 1724. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Specification*

2. The disclosure is objected to because of the following informalities: on Page 20, Line 19, the reference number for set top box is incorrectly listed as "1518" and should be corrected to -- 108--. Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6, 8-11 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,745,245 to Carpenter.

Regarding Claim 1, Carpenter discloses a method for securing information (Col. 5, Lines 10-16) associated with a content receiver (See Figure 2, 60) that is part of a conditional access system (68). Carpenter further discloses selecting an object for monitoring (See Figure 4A, 80, Figure 5A, 90, Col. 8, Lines 15-22 and Col. 9, Lines 3-18). When access to an object is requested, the set top box looks up the entry for that object to determine permission in order to grant or deny access (Col. 9, Lines 28-33). This reads on the claimed independently determining when an object should encounter a checkpoint (in this case, when the object is requested) that triggers authorization (checking the locally-stored access table) and monitoring that the authorization is

performed (granting or denying access to the object). Carpenter further discloses that a user may make a request to the conditional access system for an enhanced level or service (Col. 8, Lines 51-53). This request reads on the claimed sending information regarding the monitoring (request for access to an inaccessible service) away from the content receiver (to the head end 66).

Regarding Claim 2, Carpenter discloses a method as stated above in Claim 1, further comprising a step of preventing execution of the object in response to the monitoring step (Col. 9, Lines 32-33 and Col. 10, Lines 51-55).

Regarding Claim 3, Carpenter discloses a method as stated above in Claim 1, wherein the determining step comprises a step of determining with an access control processor (See Figure 1, 21) when the object should encounter the checkpoint as stated above. The access control processor is located in the user's set top terminal and therefore operates independently of a controller (68) located in the head end.

Regarding Claim 4, Carpenter discloses a method as stated above in Claim 1, wherein the monitoring step comprises a step of monitoring with an access control processor (21) that at authorization is performed as stated above, wherein the processor operates independent of a controller (68) as stated above.

Regarding Claim 6, Carpenter discloses a method as stated above in Claim 1, further comprising changing authorization for the object (Col. 10, Lines 2-14).

Regarding Claim 8, see Claims 1 and 2 above.

Regarding Claim 9, see Claim 1 above.

Regarding Claims 10-11, see Claims 3-4 above, respectively.

Regarding Claim 14, see Claim 6 above.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 12 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter.

Regarding Claim 5, Carpenter discloses a method as stated above in Claim 1.

While it is implied, Carpenter does not explicitly state that the sending step comprises sending information from an access control processor (21). Official Notice is hereby taken that it is well known in the art that the processing unit of a set top box may send an access request to the head end. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Carpenter with the processor operable to send an access request to the service provider of the well-known prior art in order to allow the user to request access to interactive services without manual intervention, such as placing a phone call.

Regarding Claim 12, see Claim 5 above.

Regarding Claim 15, Carpenter discloses a conditional access system (See Figure 2, 68) for remotely controlling functional units (software and hardware objects) in a content receiver (60) as stated above. Further disclosed is a monitoring computer (head

Art Unit: 2611

end 66 with conditional access system 68) located remotely from the content receiver, a functional unit (software or hardware object) within the content receiver (See Figure 4A, 80), a distribution network coupling the monitoring computer to the content receiver (See Figure 2) and a general purpose processor within the content receiver (21 and Col. 6, Lines 12-16). Carpenter further discloses that the set top box is operable to monitor program execution on the processor and deny or allow access to objects based on authorization data (Col. 9, Lines 25-33). This reads on the claimed access control processor, which could be a software module (See Figure 1, 36-37) running on the general-purpose processor, for example. Further the system is operable to make request access to enhanced services from the conditional access system (Col. 8, Lines 51-62). This reads on reporting security anomalies (lack of access to an object) to the monitoring computer (for the purpose of acquiring said access). While it is implied, Carpenter does not explicitly state that the access control processor reports the security anomalies to the monitoring computer.

Official Notice is hereby taken that it is well known in the art that a set top box may send an access request to the head end. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Carpenter with the hardware/software operable to send an access request to the service provider of the well-known prior art in order to allow the user to request access to interactive services without manual intervention, such as placing a phone call.

Regarding Claim 16, Carpenter discloses a system as stated above in Claim 15, wherein the head end comprises the monitoring computer as stated above.

Regarding Claim 17, Carpenter discloses a system as stated above in Claim 15, wherein the functional unit is an object (VCR) or resource (Internet, EPG) as stated above.

Regarding Claim 18, Carpenter discloses a system as stated above in Claim 15, further comprising a set top box (60). It is implicit in such a broadcast television environment that there be a plurality of such devices. This reads on the claimed plurality of content receivers, each comprising a functional unit, a general purpose processor and an access control processor as stated above.

7. Claims 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter in view of U.S. Patent No. 5,157,716 to Naddor et al.

Regarding Claim 7, Carpenter discloses a method as stated above in Claim 1. What is not disclosed, however, is defining a period that the content receiver should perform the sending step and determining from a remote location if the receiver has performed the sending step. Naddor discloses a method for billing and authorization of interactive programming in a cable television system (Col. 2, Lines 57-67, and Col. 3, Lines 1-25). Naddor further discloses that subscribers may authorize their terminals to receive events, such that the purchase information is stored in memory and later transmitted to the cable operator (Col. 4, Lines 2-9). The callback may be performed periodically (Col. 4, Lines 32-33) such that the remote units do not overload the head end (Col. 4, Lines 36-42). This reads on the claimed defining a period that the content receiver should perform the sending step. The head end continuously monitors the



Art Unit: 2611

number of successful calls in order to process a callback rate (Col. 5, Lines 15-23). This reads on the claimed determining from a remote location if the receiver has performed the sending step (successful call/data transfer). Naddor is evidence that one of ordinary skill in the art would appreciate the ability to send billing/authorization data for interactive television programming to a head end at specific times and verify the sending has been completed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Carpenter with the time-based callback of Naddor in order to prevent the head end from becoming overloaded with calls at any given time as stated above.

Regarding Claim 13, see Claim 7 above.

Art Unit: 2611

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew R. Demicco whose telephone number is (571) 272-7293. The examiner can normally be reached on Mon-Fri, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WFO

mrd

May 9, 2005

  
CHRIS GRANT  
PRIMARY EXAMINER